THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18185 of 2006

Dated:01.09.2006

Between:

Raja Radha Krishnaiah.

…Petitioners

and

The District Collector and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18185 of 2006

ORDER:

The petitioner purchased an extent of land admeasuring Acs.6.70 cents in Survey No.307/4, situated in Venkatagiri Village and Mandal in Nellore District under a registered sale deed dated 17.02.1969. He allegedly dug a well and brought the land under cultivation besides constructing a residential building in the land. The third respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and issued a show cause notice dated 18.05.2006 calling upon the petitioner to show cause as to why the land in his possession should not be resumed for contravention of the provisions of Section 3(2) of the Act, which prohibits transfer of assigned land. Assailing the said show cause notice, the petitioner filed W.P.No.12495 of 2006. This Court dismissed the said Writ Petition on 22.06.2006 on the ground that a writ petition challenging a show cause notice would not lie. Thereafter, the petitioner submitted explanation, which was received by the third respondent on 03.06.2006. After considering the same, the impugned order bearing No.RC B 117/2006, dated 31.07.2006 was passed ordering resumption of the land from the petitioner under Section 4 of the Act for violating the conditions of inalienability. The Mandal Revenue Inspector, Venkatagiri, was

directed to take possession of the land. The present Writ Petition is filed assailing the said order.

The learned Counsel for the petitioner submits that the land purchased by the petitioner is a patta land, and therefore, the provisions of the Act have no application. The learned Assistant Government Pleader for Revenue (General) refutes this. In this situation the controversy cannot be decided in this Writ Petition, especially, when the Act provides for an effective and efficacious alternative remedy to the petitioner. The petitioner has a remedy under Section 4A of the Act to file an appeal before the jurisdictional Revenue Divisional Officer. The petitioner filed the Writ Petition, being W.P.No.12495 of 2006, at the stage of show cause notice and again filed the present Writ Petition against the orders of the original authority, though he has a remedy of appeal. This conduct of the petitioner cannot be appreciated. The petitioner may approach the second respondent and file an appeal under Section 4A of the Act. This Court is not inclined to entertain the Writ Petition at this stage.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

01.09.2006
vs